

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11712 of 2004

Between:

Dr.Ambedkar Harizana Abhyudaya Societies, Eluru, rep., by its Secretary
Bhuvanagiri Venkataramana
s/o Pothiraju, r/o D.No.7E-3-82, 28th Ward, Madepalli Road,
Eluru, West Godavari District.

..... PETITIONER

AND

- 1 The District Collector, Eluru, West Godavari District.
- 2 The Mandal Revenue Officer, Eluru(Urban),
West Godavari District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ in the nature of a writ of mandamus or any other appropriate writ, direction, order or orders declaring the notice dated 26-06-2004 in ROC No.1066/03(A) issued by the 2nd respondent as arbitrary, illegal, without jurisdiction and void

Counsel for the Petitioner:MR.M.P.CHANDRAMOULI - Advocate

Counsel for the Respondents .: GP FOR REVENUE

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 11712 OF 2004

ORDER:

The present writ petition is filed questioning the order notice dated 26-6-2004 issued by the second respondent directing the petitioner to surrender the patta granted in its favour with regard to land admeasuring Ac.3-00 in S.No.574/1, Venkatapuram village and that the same is required for Government.

The petitioner claims to be a registered society and that the Mandal Revenue Officer vide proceedings No. 1/532/A/2000(E) dated: Nil-9-2001 has assigned the subject land and that the members of the petitioner society are cultivating the same. It is also stated that as per the conditions of assignment, if the land is required for any public purposes for construction of projects, the same shall be resumed by paying compensation. While so, the impugned notice was issued calling upon the petitioners to surrender the original patta granted to it on the ground that the subject land is required by the Government. Hence, the writ petition.

Learned Counsel for petitioner submitted that the impugned notice is vague and it does not indicate the public purpose for which the land is required by the Government and the amount of compensation payable to the petitioner society. It is also contended that where the assigned lands are resumed by the Government, the assignee would be entitled to the compensation equal to the market value and impugned without indicating the payment compensation is unsustainable and liable to be set aside.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

I am unable to accept such a contention of the learned counsel for petitioner, since the impugned notice is not a final order. A perusal of the impugned notice would disclose that though it is not clearly indicated, it is in the form of a notice calling upon the petitioner to submit its explanation/objections. Obviously, the intention of the second respondent is to call for an explanation from the petitioner since portion of the subject land is required by the Government.

In the circumstances, the petitioner is directed to submit its reply/explanation

to the impugned notice dated 26-6-2004 raising all the contentions within a period of one week from the date of receipt of copy of this order. On filing such an explanation, the second respondent is directed to pass appropriate orders in accordance with law, taking into consideration the explanation and contentions raised by the petitioner.

Subject to above observation, the writ petition is disposed of. No costs.

N.V.RAMANA,J

9-7-2004

TVK

To

- 1 The District Collector, Eluru, West Godavari District.
- 2 The Mandal Revenue Officer, Eluru(Urban),
West Godavari District.

3...2CCs to G.P.for Revenue, High Court of A.P., Hyderabad

4.. CD copies

*Form-NIC-OGS/WP{**RS**}*